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5 **UNITED STATES DISTRICT COURT**
6 **EASTERN DISTRICT OF CALIFORNIA**
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8 ERNIE HERNANDEZ, III,

9 Plaintiff,

10 v.

11 A. HOLT, et al.,

12 Defendants.

CASE No. 1:20-cv-01127-AWI-SAB

ORDER GRANTING APPLICATION TO
PROCEED *IN FORMA PAUPERIS* AND
DIRECTING CLERK OF THE COURT TO
ISSUE PRISONER NEW CASE
DOCUMENTS

and

ORDER DIRECTING PAYMENT
OF INMATE FILING FEE BY
CALIFORNIA DEPARTMENT OF
CORRECTIONS AND REHABILITATION

(ECF No. 2)

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17 Plaintiff is a prisoner proceeding pro se pursuant to 42 U.S.C. §1983 and has requested
18 leave to proceed *in forma pauperis* pursuant to 28 U.S.C. § 1915. Plaintiff has made the showing
19 required by § 1915(a) and accordingly, the request to proceed *in forma pauperis* will be granted.
20 Plaintiff is obligated to pay the statutory filing fee of \$350.00 for this action. 28 U.S.C. §
21 1915(b)(1). Plaintiff is obligated to make monthly payments in the amount of twenty percent of
22 the preceding month's income credited to plaintiff's trust account. The California Department of
23 Corrections and Rehabilitation is required to send to the Clerk of the Court payments from
24 plaintiff's account each time the amount in the account exceeds \$10.00, until the statutory filing
25 fee is paid in full. 28 U.S.C. § 1915(b)(2).

26 In accordance with the above and good cause appearing therefore, IT IS HEREBY
27 ORDERED that:

28 1. Plaintiff's application to proceed *in forma pauperis* is GRANTED;

1 **2. The Director of the California Department of Corrections and Rehabilitation**
2 **or his designee shall collect payments from plaintiff's prison trust account in an amount**
3 **equal to twenty per cent (20%) of the preceding month's income credited to the prisoner's**
4 **trust account and shall forward those payments to the Clerk of the Court each time the**
5 **amount in the account exceeds \$10.00, in accordance with 28 U.S.C. § 1915(b)(2), until a**
6 **total of \$350.00 has been collected and forwarded to the Clerk of the Court. The payments**
7 **shall be clearly identified by the name and number assigned to this action;**

8 3. The Clerk of the Court is directed to serve a copy of this order and a copy of
9 plaintiff's *in forma pauperis* application on the Director of the California Department of
10 Corrections and Rehabilitation, via the court's electronic case filing system (CM/ECF);

11 4. The Clerk of the Court is directed to serve a copy of this order on the Financial
12 Department, U.S. District Court, Eastern District of California, Sacramento Division; and

13 5. The Clerk of the Court is directed to issue prisoner new case documents in this
14 matter.

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16 IT IS SO ORDERED.

17 Dated: August 18, 2020


UNITED STATES MAGISTRATE JUDGE